

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

THOMAS WALTON, INDIVIDUALLY AND
ON BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES of ANNIE WALTON,
Deceased; and ALIVEN WALTON

PLAINTIFFS

V.

CIVIL ACTION NO. 1:20-CV-00040-SA-DAS

J.B. LONG; CITY OF VERONA;
and JOHN DOES 1-25

DEFENDANTS

ORDER

In their Complaint [1], the Plaintiffs asserted three claims against the Defendants: (1) abuse of executive power pursuant to 42 U.S.C. § 1983; (2) state created danger pursuant to 42 U.S.C. § 1983; and (3) negligence under state law. The Court initially granted summary judgment on all claims. *See* [115]. However, the Plaintiffs filed a Motion to Reconsider [116] and, on March 30, 2022, this Court entered an Order [120] granting in part and denying in part that request. More specifically, the Court denied reconsideration on both federal claims (Counts One and Two), determining that those claims were appropriately dismissed. As to the state law claim (Count Three), this Court granted reconsideration and reinstated it.

Both parties appealed. The City of Verona appealed the Court's decision to reinstate the state law claim. *See* [123]. The Plaintiffs then filed a Cross Appeal [124], arguing that this Court erred in dismissing the federal claims.

The Fifth Circuit Court of Appeals issued an opinion on September 13, 2023. *See* [126], Ex. 1. First, the Fifth Circuit dismissed the Plaintiffs' cross appeal for lack of jurisdiction. Then, the court rendered judgment in the City of Verona's favor on the state law claim.

In light of that ruling, the Clerk of Court is hereby directed to CLOSE this CASE. The Court will enter a separate Final Judgment.

SO ORDERED, this the 1st day of November, 2023.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE